

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case <b>04-CB-259126</b>	Date Filed <b>4-14-20</b>

**INSTRUCTIONS:** Fill in or sign with NLRB Region Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT</b>			
a. Name United Food and Commercial Workers, Local 1776		b. Union Representative to contact Wendell W. Young IV, President	
c. Address (Street, city, state, and ZIP code) UFCW, Local 1776 3031-A Walton Road, Suite 201 Plymouth Meeting, Pennsylvania 19462-2344		d. Tel. No. 610-940-1805	e. Cell No.
		f. Fax No.	
		g. e-mail w@ufcw1776.org	
h. The above named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (1st subsections) 8(b)(4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the last six months, UFCW, Local 1776 has violated the NLRA by, among other engaging in an illegal strike. Specifically, the above-named Labor Organization encouraged employees in the relevant bargaining unit to go on strike despite: (1) entering a collective bargaining agreement in April 2018, is effective until 2021, and which contains no-strike and zipper clauses; (2) on April 7, 2020, encouraging employees in the bargaining unit to engage in a second strike in violation of the parties' CBA and the March 28, 2020, side agreement.			
3. Name of Employer Gruma Corporation d/b/a Mission Foods		4a. Tel. No. 214-313-2805	b. Cell No.
		c. Fax No. 214-987-3927	
		d. e-mail bindu.gross@ogletree.com	
5. Location of plant involved (street, city, state and ZIP code) 15 Elmwood Avenue Mountain Top, Pennsylvania 18707-2136		6. Employer representative to contact Bindu Gross, Counsel	
7. Type of establishment (factory, mine, wholesaler, etc.) Food production	8. Identify principal product or service Food production		9. Number of workers employed 450
10. Full name of party filing charge Gruma Corporation d/b/a Mission Foods			
11. Address of party filing charge (street, city, state and ZIP code) Gruma Corporation d/b/a Mission Foods		11a. Tel. No. 214-313-2805	b. Cell No.
		c. Fax No.	
		d. e-mail bindu.gross@ogletree.com	
<b>12. DECLARATION</b> I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  <b>Bindu R. Gross /s/</b>  <i>(signature of representative or person making charge)</i>		<b>Bindu R. Gross</b>  <i>(Print/type name and title or office, if any)</i>	
		Tel. No. 214-313-2805	
		Cell No.	
		Fax No. 214-987-3927	
Address <u>8117 Preston Road, Suite 500, Dallas, Texas 75225</u>		Date <u>Apr 14, 2020</u>	
		e-mail bindu.gross@ogletree.com	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 Penn Square East, Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215) 597-7601  
Fax: (215) 597-7658



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April 14, 2020

Wendell W. Young IV, President  
United Food and Commercial Workers  
International Union, Local 1776  
3031-A Walton Road, Suite 201  
Plymouth Meeting, PA 19462-2369

Re: UFCW, Local 1776 (Gruma Corporation  
d/b/a Mission Foods)  
Case 04-CB-259126

Dear Mr. Young:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney DAVID RODRIGUEZ whose telephone number is (215) 597-7657. If this Board agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215) 597-0729.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB

April 14, 2020

office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard P. Heller", with a stylized flourish at the end.

RICHARD P. HELLER  
Acting Regional Director

Enclosure: Copy of Charge



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 Penn Square East  
Suite 403  
Philadelphia, PA 19107

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Fax: (215) 597-7658



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April 14, 2020

Gruma Corporation d/b/a Mission Foods  
15 Elmwood Avenue  
Mountain Top, PA 18707-2136

Re: UFCW, Local 1776  
(Gruma Corporation d/b/a Mission Foods)  
Case 04-CB-259126

Dear Sir or Madam:

The charge that you filed in this case on April 14, 2020 has been docketed as case number 04-CB-259126. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.



April 14, 2020

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



RICHARD P. HELLER  
Acting Regional Director

Enclosure: Commerce Questionnaire

cc:

Bindu R. Gross, Esquire, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Preston Commons West,  
8117 Preston Road, Suite 500, Dallas, TX 75225-6325

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Gruma Corporation d/b/a Mission Foods
and
United Food and Commercial Workers, Local 1776

CASE Nos. 04-CB-259126  
04-CC-259124

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
UFCW, Local 1776KS


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Laurence M. Goodman, Esq.	
MAILING ADDRESS: Willig, Williams & Davidson, 1845 Walnut Street, 24th Floor, Philadelphia, PA 19103	
E-MAIL ADDRESS: lgoodman@wwdlaw.com	
OFFICE TELEPHONE NUMBER: (215) 656-3608	
CELL PHONE NUMBER:	FAX: (215) 561-5135
SIGNATURE: 	
DATE: 4/15/20	

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case <b>05-CA-258975</b>	Date Filed <b>04-09-2020</b>

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer  Washington Gas Light Company		b. Tel. No. (703) 750-4162
		c. Cell No.
		f. Fax No. (703) 750-7593
d. Address (Street, city, state, and ZIP code)  6801 Industrial Rd. Springfield, VA 22151	e. Employer Representative  Bridnetta D. Edwards Director, Labor and Employment Relations	g. e-mail bedwards@washgas.com
		h. Number of workers employed 1,586
i. Type of Establishment (factory, mine, wholesaler, etc.) Natural Gas Utility	j. Identify principal product or service Natural Gas Provider	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) **5** of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

IBEW Local 1900 is the exclusive bargaining representative of a unit of Washington Gas Light Company's employees. Within the past six months, Washington Gas has violated the Act by (1) directly dealing with union-represented employees, and (2) excluding the employees' chosen representative from meetings regarding changes to employees' terms and conditions of employment. Specifically, Washington Gas has refused to allow Local 1900's President and Business Manager to participate in the company's "Weekly Coronavirus Touchbase w/ Union" discussions with union representatives regarding changes in working conditions due to the COVID-19 outbreak.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**  
International Brotherhood of Electrical Workers, Local 1900

4a. Address (Street and number, city, state, and ZIP code)  1400 Mercantile Lane, Suite 256 Largo, MD 20774	4b. Tel. No. (301) 322-6030
	4c. Cell No.
	4d. Fax No. (301) 322-6181
	4e. e-mail jmgriffin@ibew1900.org

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**  
International Brotherhood of Electrical Workers**6. DECLARATION**

I declare that I have read the above charge and that the statements  
are true to the best of my knowledge and belief.

*Bart Sheard*

(signature of representative or person making charge)

Bart Sheard, Attorney

(Print/type name and title or office, if any)

Tel. No.  
(202) 785-9300

Office, if any, Cell No.

Fax No.  
(202) 775-1950e-mail  
sheard@shermundunn.comAddress 900 7th Street, NW, Suite 1000, Washington D.C. 20001 Date Apr 9, 2020**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

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UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198



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Mobile App

April 10, 2020

Bart Sheard, Esq.  
Sherman Dunn, P.C.  
900 7th Street, N.W., Suite 1000  
Washington, DC 20001-4070

Re: Washington Gas Light Company  
Case 05-CA-258975

Dear Mr. Sheard:

The charge that you filed in this case on April 09, 2020 has been docketed as case number 05-CA-258975. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner William L. Szabo whose telephone number is (410)962-0926. If this Board agent is not available, you may contact Supervisory Field Examiner David A. Colangelo whose telephone number is (410)962-0180.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sean R. Marshall". The signature is fluid and cursive, with the first name "Sean" and last name "Marshall" clearly distinguishable.

Sean R. Marshall  
Regional Director

Enclosure: Copy of Charge

cc: Mr. Jim Griffin  
International Brotherhood of Electrical  
Workers, Local Union No. 1900  
1400 Mercantile Lane, Suite 256  
Largo, MD 20774-5350



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

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Telephone: (410)962-2822  
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April 10, 2020

Ms. Bridnetta D. Edwards  
Director, Labor and Employment Relations  
Washington Gas Light Company  
6301 Industrial Road  
Springfield, VA 22151

Re: Washington Gas Light Company  
Case 05-CA-258975

Dear Ms. Edwards:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sean R. Marshall".

Sean R. Marshall  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Washington Gas Light Company

and

International Brotherhood of Electrical Workers, Local  
Union 1900

CASE 05-CA-258975

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

International Brotherhood of Electrical Workers, Local Union 1900

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Lucas R. Aubrey, Sherman Dunn, P.C.

MAILING ADDRESS: 900 Seventh Street, N.W., Suite 1000

E-MAIL ADDRESS: aubrey@shermardunn.com

OFFICE TELEPHONE NUMBER: 202-785-9300

CELL PHONE NUMBER: 202-236-5844

FAX: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

(Please sign in ink.)

4/14/2020

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C 3512

**DO NOT WRITE IN THIS SPACE**

Case

07-CA-258349

Date Filed

March 23, 2020

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer  
Borgess Medical Center

b. Tel. No. (248) 457-7895

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)  
1521 Gull Rd. Kalamazoo, MI 49048

e. Employer Representative  
Bradley M. Taormina  
Columbia Center, 201 West Big  
Beaver Road, Suite 1200  
Troy, MI 48084

g. e-Mail  
btaormina@hallrender.com

h. Number of workers employed  
Apprx. 600

i. Type of Establishment (factory, mine, wholesaler, etc.)  
Acute Care Hospital

j. Identify principal product or service  
Healthcare

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) \_\_\_\_\_ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

In violation of the National Labor Relations Act the employer has refused to bargain the effects of the changes to terms and conditions of work for bargaining unit nurses as a result of the Coronavirus COVID-19 outbreak.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

Michigan Nurses Association

4a. Address (Street and number, city, state, and ZIP code)  
2310 Jolly Oak Rd.  
Okemos, MI 48864

4b. Tel. No.

4c. Cell No.

4d. Fax No.

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) None

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

  
(signature of representative or person making charge)

Andrew Smith, General Counsel  
(Print/type name and title or office, if any)

Tel. No.

Office, if any, Cell No.  
517-515-3885

Fax No.

e-Mail

andrew.smith@minurses.org

Address 2310 Jolly Oak Rd. Okemos, MI 48864

3.23.20

(date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 7  
Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 05-200  
Detroit, MI 48226

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (313)226-3200  
Fax: (313)226-2090



Download  
NLRB  
Mobile App

March 24, 2020

Andrew Smith, Labor Representative  
Michigan Nurses Association  
2310 Jolly Oak Road  
Okemos, MI 48864

Re: Borgess Medical Center d/b/a Borgess-Pipp  
Hospital  
Case 07-CA-258349

Dear Mr. Smith:

The charge that you filed in this case on March 23, 2020 has been docketed as case number 07-CA-258349. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Terrance Bean whose telephone number is (616)930-9159. The mailing address is 110 Michigan St NW Ste 299, Grand Rapids, MI 49503-2313. If this Board agent is not available, you may contact Resident Officer Colleen J. Carol whose telephone number is (616)930-9161.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

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March 24, 2020

We can provide assistance for persons with limited English proficiency or disability.  
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Terry Morgan". The signature is written in a cursive style with a large, sweeping initial "T" and a long, horizontal flourish at the end.

TERRY MORGAN  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 7  
Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 05-200  
Detroit, MI 48226

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (313)226-3200  
Fax: (313)226-2090



Download  
NLRB  
Mobile App

March 24, 2020

Borgess Medical Center d/b/a Borgess-Pipp Hospital  
1521 Gull Rd  
Kalamazoo, MI 49048-1666

Re: Borgess Medical Center d/b/a Borgess-Pipp  
Hospital  
Case 07-CA-258349

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Terrance Bean whose telephone number is (616)930-9159. The mailing address is 110 Michigan St NW Ste 299, Grand Rapids, MI 49503-2313. If this Board agent is not available, you may contact Resident Officer Colleen J. Carol whose telephone number is (616)930-9161.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board



March 24, 2020

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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March 24, 2020

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Terry Morgan". The signature is fluid and cursive, with a large, sweeping "T" and "M".

TERRY MORGAN  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Bradley M. Taormina, Esq.  
Hall, Render, Killian, Heath, & Lyman,  
PLLC  
201 West Big Beaver Road  
Suite 1200  
Troy, MI 48084

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Borgess Medical Center dba Borgess-Pipp Hospital,  Employer  and  Michigan Nurses Association,  Charging Party
--

CASE 07-CA-258349

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
Borgess Medical Center dba Borgess-Pipp Hospital


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: <u>Bradley M. Taormina (P76629)</u>	
MAILING ADDRESS: <u>Hall Render Killian Heath &amp; Lyman, 101 W. Big Beaver Road, Ste. 745, Troy, MI 48084</u>	
E-MAIL ADDRESS: <u>btaormina@hallrender.com</u>	
OFFICE TELEPHONE NUMBER: <u>248-457-7895</u>	
CELL PHONE NUMBER: <u>248-894-9826</u>	FAX: <u>248-740-7501</u>
SIGNATURE: <u></u> (Please sign in ink.)	
DATE: <u>03/31/2020</u>	

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C 3512

**DO NOT WRITE IN THIS SPACE**

Case

07-CA-258384

Date Filed

March 23, 2020

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Three Rivers Health		b. Tel. No.
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 701 S Health Pkwy Three Rivers, MI 49093	e. Employer Representative David Buday Attorney Miller Johnson 100 West Michigan Avenue, Suite 200 Kalamazoo MI 49007	g. e-Mail
		h. Number of workers employed Apprx. 70
i. Type of Establishment (factory, mine, wholesaler, etc.) Acute Care Hospital	j. Identify principal product or service Healthcare	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) \_\_\_\_\_ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

In violation of the National Labor Relations Act the employer has refused to bargain the effects of the changes to terms and conditions of work for bargaining unit nurses as a result of the Coronavirus COVID-19 outbreak.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

Michigan Nurses Association

**4a. Address (Street and number, city, state, and ZIP code)**

2310 Jolly Oak Rd.  
Okemos, MI 48864

4b. Tel. No.

4c. Cell No.

4d. Fax No.

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) None

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By   
(signature of representative or person making charge)

Andrew Smith, General Counsel

(Print/type name and title or office, if any)

Tel. No.

Office, if any, Cell No.  
517-515-3885

Fax No.

e-Mail

andrew.smith@minurses.org

Address 2310 Jolly Oak Rd. Okemos, MI 48864

3.23.20

(date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 7  
Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 05-200  
Detroit, MI 48226

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (313)226-3200  
Fax: (313)226-2090



Download  
NLRB  
Mobile App

March 25, 2020

Andrew Smith, General Counsel  
Michigan Nurses Association  
2310 Jolly Oak Road  
Okemos, MI 48864

Re: Three Rivers Health  
Case 07-CA-258384

Dear Mr. Smith:

The charge that you filed in this case on March 23, 2020 has been docketed as case number 07-CA-258384. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Andrew Hampton whose telephone number is (616)930-9174. The mailing address is 110 Michigan St NW Ste 299, Grand Rapids, MI 49503-2313. If this Board agent is not available, you may contact Resident Officer Colleen J. Carol whose telephone number is (616)930-9161.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

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**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Terry Morgan". The signature is fluid and cursive, with a large initial "T" and "M".

TERRY MORGAN  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 7  
Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 05-200  
Detroit, MI 48226

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (313)226-3200  
Fax: (313)226-2090



Download  
NLRB  
Mobile App

March 25, 2020

Three Rivers Health  
701 S Health Parkway  
Three Rivers, MI 49093

Re: Three Rivers Health  
Case 07-CA-258384

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Terry Morgan". The signature is fluid and cursive, with the first name "Terry" and last name "Morgan" clearly distinguishable.

TERRY MORGAN  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: David M. Buday, Esq.  
Miller Johnson, PLC  
100 W Michigan Ave Ste 200  
Kalamazoo, MI 49007-3960



NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Three Rivers Health,  
  
Employer/Respondent,  
  
and  
  
Michigan Nurses Association,  
  
Charging Party Union.

CASE 07-CA-258384

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
the Employer/Respondent, Three Rivers Health,

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: David M. Buday  
MAILING ADDRESS: Miller Johnson, 100 W. Michigan Avenue, Suite 200, Kalamazoo, MI 49007  
E-MAIL ADDRESS: budayd@millerjohnson.com  
OFFICE TELEPHONE NUMBER: 269.226.2952  
CELL PHONE NUMBER: 269.501.8102 FAX: 269.978.2952  
SIGNATURE: /s/ David M. Buday  
(Please sign in ink.)  
DATE: March 26, 2020

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case <b>16-CA-258386</b>	Date Filed <b>3/24/2020</b>

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>	
a. Name of Employer Kerberos International, Inc.  San Antonio Office: 5503 Grissom Road, Ste. 105 San Antonio, TX 78238	b. Te. No. +1 (888) 784-1660
	c. Ce. No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) Company Home Address: 2109 Birdcreek Terrace, Temple, TX, 76502	e. Employer Representative Jim Glass, Operations Manager
	g. e-mail Info@KerberosInc.com
	h. Number of workers employed In excess of 50
i. Type of Establishment (factory, mine, wholesaler, etc.) Security Business	j. Identify principal product or service Tactical security solutions.
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (2) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) On or about 2020 the Employer disciplined and terminated employees, including , for engaging in concerted, protected activity.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Robert Rapp, Attorney, on behalf of multiple Kerberos employees and former employees, including those shown above.	
4a. Address (Street and number, city, state, and ZIP code) Robert Rapp The Rapp Law Firm 12000 Huebner Rd., Ste. 101, San Antonio, TX 78230 Attorney for Employees and former employees of Kerberos listed above.	4b. Te. No. 210-224-4664
	4c. Ce. No. 210-415-7631
	4d. Fax No. 210-224-4642
	4e. e-mail robert.rapp@sbcglobal.net
5. Full name of national or international labor organization of which this is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
<b>6. DECLARATION</b>	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
/s/Robert Rapp  (signature of representative or person making charge)	Robert Rapp, The Rapp Law Firm  (Print/type name and title or office if any)
12000 Huebner Rd., Ste. 101, San Antonio, TX 78230 Address	3/23/20 Date
Te. No.	
Office, if any, Ce. No.	
Fax No.	
e-mail	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA) 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 16  
819 Taylor St - Rm 8A24  
Fort Worth, TX 76102-6107

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (817)978-2921  
Fax: (817)978-2928



Download  
NLRB  
Mobile App

March 25, 2020

ROBERT RAPP, ATTORNEY  
THE RAPP LAW FIRM  
12000 HUEBNER RD  
STE 101  
SAN ANTONIO, TX 78230

Re: Kerberos International, Inc.  
Case 16-CA-258386

DEAR MR. RAPP:

The charge that you filed in this case on March 24, 2020 has been docketed as case number 16-CA-258386. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney ROBERTO PEREZ whose telephone number is (210)417-4075. The mailing address is 615 E. Houston St., Ste. 559, San Antonio, TX 78205-2039. If this Board agent is not available, you may contact Resident Officer STEVE E. MARTINEZ whose telephone number is (210)417-4062.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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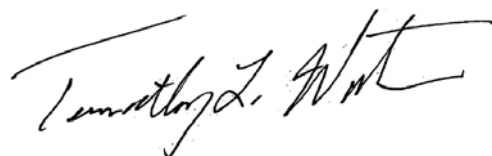
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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy L. Watson", written in a cursive style.

TIMOTHY L. WATSON  
REGIONAL DIRECTOR





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 16  
819 Taylor St - Rm 8A24  
Fort Worth, TX 76102-6107

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (817)978-2921  
Fax: (817)978-2928



Download  
NLRB  
Mobile App

March 25, 2020

JIM GLASS, OPERATIONS MANAGER  
KERBEROS INTERNATIONAL, INC.  
5503 GRISSOM RD  
STE 105  
SAN ANTONIO, TX 78238

KERBEROS INTERNATIONAL, INC.  
2109 BIRDCREEK TERRACE  
TEMPLE, TX 76502

Re: Kerberos International, Inc.  
Case 16-CA-258386

DEAR PARTIES:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney ROBERTO PEREZ whose telephone number is (210)417-4075. The mailing address is 615 E. Houston St., Ste. 559, San Antonio, TX 78205-2039. If this Board agent is not available, you may contact Resident Officer STEVE E. MARTINEZ whose telephone number is (210)417-4062.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy L. Watson", with a stylized flourish at the end.

TIMOTHY L. WATSON  
REGIONAL DIRECTOR

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

INTERNET  
FORM NLRB-608  
(2-08)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE

Case

19-CB-258646

Date Filed

3-31-2020

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT**

a. Name

National Air Traffic Controllers Association

b. Union Representative to contact

c. Address (Street, city, state, and ZIP code)

3101 Auburn Way S  
Auburn, WA 98092

d. Tel. No.

e. Cell No.

f. Fax No.

g. e-Mail

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) b3 of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

During the coronavirus situation, NATCA leadership voluntarily went to a schedule that forced employees to work a schedule that caused them to lose shift differential pay. They did this without consulting their members. They also waived a contractual right for no schedule changes with than 7 days notice which resulted in a loss of pay of shift differentials for its members without member consent. I approached 3 union representatives to including the facility representative ( ) to file a grievance for the contract violation. All three people told me they would not support the grievance but could not provide me with a valid reason.

3. Name of Employer

Federal Aviation Administration  
Seattle Air Traffic Control Center

4a. Tel. No.

866-835-5322

b. Cell No.

c. Fax No.

d. e-Mail

5. Location of plant involved (street, city, state and ZIP code)

3101 Auburn Way S  
Auburn, WA 98092

6. Employer representative to contact

7. Type of establishment (factory, mine, wholesaler, etc.)

Air Traffic Control Facility

8. Identify principal product or service

Air Traffic Control

9. Number of workers employed

10. Full name of party filing charge

11a. Tel. No.

b. Cell No.

c. Fax No.

d. e-Mail

11. Address of party filing charge (street, city, state and ZIP code.)

I declare that I have read the above charge and **12. DECLARATION** statements therein are true to the best of my knowledge and belief.

By (signature of representative or person making charge) (Print type name and title or office, if any)

Address

(date) 3/31/20

Tel. No.

Cell No.

Fax No.

e-Mail

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1091)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 19  
915 2nd Ave Ste 2948  
Seattle, WA 98174-1006

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (206)220-6300  
Fax: (206)220-6305



Download  
NLRB  
Mobile App

April 1, 2020

National Air Traffic Controllers Association  
3101 Auburn Way S.  
Auburn, WA 98092

Re: National Air Traffic Controllers Association  
(Federal Aviation Administration)  
Case 19-CB-258646

Dear :

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney RYAN E. CONNOLLY whose telephone number is (206) 220-6324. If this Board agent is not available, you may contact Supervisory Field Examiner DIANNE TODD whose telephone number is (206) 220-6319.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

April 1, 2020

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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April 1, 2020

We can provide assistance for persons with limited English proficiency or disability.  
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS  
Regional Director

Enclosure: Copy of Charge

lu



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 19  
915 2nd Ave Ste 2948  
Seattle, WA 98174-1006

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (206)220-6300  
Fax: (206)220-6305



Download  
NLRB  
Mobile App

April 1, 2020

Re: National Air Traffic Controllers Association  
(Federal Aviation Administration)  
Case 19-CB-258646

Dear :

The charge that you filed in this case on March 31, 2020 has been docketed as case number 19-CB-258646. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney RYAN E. CONNOLLY whose telephone number is (206) 220-6324. If this Board agent is not available, you may contact Supervisory Field Examiner DIANNE TODD whose telephone number is (206) 220-6319.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.



**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability.  
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS  
Regional Director

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UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 19  
915 2nd Ave Ste 2948  
Seattle, WA 98174-1006

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (206)220-6300  
Fax: (206)220-6305



Download  
NLRB  
Mobile App

April 1, 2020

Federal Aviation Administration  
3101 Auburn Way S  
Auburn, WA 98092-7950

Re: National Air Traffic Controllers Association  
(Federal Aviation Administration)  
Case 19-CB-258646

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney RYAN E. CONNOLLY whose telephone number is (206) 220-6324. If this Board agent is not available, you may contact Supervisory Field Examiner DIANNE TODD whose telephone number is (206) 220-6319.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS  
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire

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UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 19  
915 2nd Ave Ste 2948  
Seattle, WA 98174-1006

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (206)220-6300  
Fax: (206)220-6305

April 2, 2020

National Air Traffic Controllers Association  
3101 Auburn Way S.  
Auburn, WA 98092

Re: National Air Traffic Controllers  
Association  
(Federal Aviation Administration)  
Case 19-CB-258646

Dear :

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

**RONALD K. HOOKS**

RONALD K. HOOKS  
Regional Director

cc: Federal Aviation Administration  
3101 Auburn Way S  
Auburn, WA 98092-7950

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